

November 13, 2019

MuckRock News  
DEPT MR 77056  
411A Highland Ave  
Somerville, MA 02144-2516  
ATTN: Shafaq Patel

Re: Request for Records

Dear Ms. Patel:

I am writing in response to your email dated October 10, 2019, requesting correspondence and records requests between the Department of Health (“Department”) and multiple pro-life organizations. Please note that although you mention sending the request in July, the Department of Health only received the email dated October 10, 2019. The authority for disclosing public records is the South Dakota Open Records law, SDCL §§ 1-27-1 to 1-27-45.

South Dakota’s Open Records Law authorizes the public to examine public records, unless those records are declared confidential by law or exempt from disclosure. SDCL §§ 1-27-1, 1-27-3, 1-27-1.5 to 1-27-1.9. The Department is required to maintain a file of Open Records denials, but we do not maintain a specific file of all Open Records requests which we have provided information in response to. Furthermore, correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees are exempt from the Open Records laws. SDCL §1-27-1.5(12).

Although none of the requested correspondence can be made available, you may find the Department’s Annual Report of Induced Abortions to be helpful to your inquiry. The report and additional information regarding the Report can be found at the Department’s website here: <https://doh.sd.gov/statistics/default.aspx>

If you have any questions regarding this matter, please feel free to contact me. The appeals procedure for an open records denial can be found at SDCL §§ 1-27-38 to 1-27-43.

Sincerely,



Justin L. Williams  
Legal Counsel  
South Dakota Department of Health